

REMARKS

Applicants reply to the Office Action dated July 9, 2008, within the shortened three month statutory period for reply. Claims 1-13 were pending in the application and the Examiner rejects claims 1-13. Applicants cancel claim 13 without prejudice in favor of filing one or more claims disclosing similar subject matter. Applicants add new method claim 14. Support for the amendments and new claim may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments and new claim. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Applicants thank the Examiner for the courtesies during the Interview on October 2, 2008. The Examiner suggested that we add additional claim elements related to the functional and rules aspects of the various components cited in the previously filed claim amendments. Applicants further thank the Examiner for generally agreeing that adding functionality to the various elements would likely overcome many of the cited references. As such, Applicants amend the claims to disclose such functionality and further assert that the claimed elements are no longer simply known code modules, but rather provide unique functionality, which is not disclosed by any combination of the cited references.

In addition to the other amendments to claim 1, Applicants amend independent claim 1 to include the subject matter of canceled claim 13, so Applicants address the specific rejections against canceled claim 13. Bosworth generally discloses a system for identifying irregularities linked to a financial account by scoring transactions according to pre-defined rules. Further, Bosworth discloses a rules engine for processing and positioning transactions on a numerical scale according to the defined rules and weightings. Specifically, Bosworth recites nineteen rules, some of which are applicable toward transactions and others are applicable to an account or client. Regarding the rules that are applied to transactions, Bosworth is limited to capturing a singular transaction element (i.e. withdrawal amount), determining if the transaction element breaks any of the transaction rules (e.g., exceeds an average for the account), and assigns an appropriate score to the transaction if it has broken a rule.

Bosworth discloses specific parameters, variables, rules, and weights, that when applied to data, create an output value indicative of the probability of fraud. However, Bosworth fails to disclose a calculation for determining potential fraud that uses a division of a time period by a

withdrawal value. As such, neither Pickering, Haseltine, Remington, Stinson, Pollin, Battas, Logan, Geer, Lawlor, Official Notice, Bosworth-Davies, nor any combination thereof, disclose or contemplate at least, “determining a first constant by dividing a number of days to withdraw a predetermined percentage of said withdrawal value by said withdrawal value,” as recited by independent claim 1.

Inventorship

The Examiner notes that the originally filed application lists three inventors, and that dependent claim 13, reciting subject matter from an incorporated by reference patent application (“Silva”), lists a different inventor. The Examiner asserts that an oath or declaration may be required from the inventor of Silva. Applicants respectfully disagree.

The present inventors contemplated (at the time of filing) incorporating the subject matter of Silva into the other features of the present invention. The inventors do not intend to patent the Silva subject matter alone, but seek to combine the benefits of Silva with the subject matter as presently claimed. For example, if an inventor were to seek to obtain a patent for a computer peripheral, the inventor of the computer would not need to be listed as an inventor for the computer peripheral, even though the claims may include limitations relating to the computer. In other words, the peripheral is an improvement upon the previously invented computer.

Rejections Under 35 U.S.C. § 112

The Examiner rejects claim 13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner assert that the “examiner finds no explanation of a fraud manager in the specification nor the provisional” (page 4, item 8). The Examiner acknowledges that claim 13 was previously added based on a claim from an incorporated by reference Patent Application (10/378,465); however, that U.S. Patent Application 10/378,465 application itself does not disclose a “fraud manager.” Applicants respectfully disagree, however to expedite prosecution, Applicants amend independent claim 1 (which now incorporates the elements of claim 13) to disclose “an account monitoring manager”, which is fully supported within the originally filed specification of the 10/378,465 application.

The Examiner rejects claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree, however to expedite prosecution, Applicants amend independent claim 1 (which now incorporates the elements of

claim 13) to clarify the determination of a first constant using a number (e.g., “number of days”) instead of a time period. Applicants also amend independent claim 1 to clarify that the system is programmed to “determine a second constant by using said financial transaction account having said marker”. Applicants also delete the reference to “future account transactions” to clarify the claim language.

Rejections Under 35 U.S.C. § 101

The Examiner rejects claims 1-13 under 35 U.S.C. § 101 because the claimed invention is directed toward non-statutory subject matter. Applicants amend independent claim 1 to clearly recite the limitations of the claim as being performed by computing hardware (e.g., a processor), as suggested by the Examiner.

Claims 2-12 variously depend from claim 1. As such, Applicants assert that claims 2-12 are cured from the 35 U.S.C. § 101, non-statutory subject matter rejection in accordance with the amendments to independent claim 1. Claim 13 is canceled, so the rejection related to claim 13 is now moot.

Rejections Under 35 U.S.C. § 103

The Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Pickering, U.S. Patent No. 5,483,445 in view of Haseltine et al., U.S. Patent No. 6,578,015 (“Haseltine”), Remington, U.S. Patent No. 6,070,150, Stinson et al., U.S. Patent No. 6,045,039 (“Stinson”), in view of Pollin, U.S. Patent No. 5,504,677 (“Pollin”), and in further view of Battas et al., U.S. Patent No. 6,757,689 (“Battas”). Applicants respectfully traverse this rejection.

Pickering generally discloses an automated system for consolidating a number of individual and reoccurring charges such that the system may issue payment to the various payees of the reoccurring charges, while allowing the consumer to facilitate a single payment. The system receives information relating to the various payees from the consumer. The system further receives information from the identified payees relating to statement due dates. When all such information is received, the system calculates an optimal payment due date for the consumer. Pickering discloses that an optimal payment due date may result in some payees being paid early, while others are paid later. An administrator of the Pickering system negotiates with the payees to determine an acceptable surcharge to be paid to those payees that are paid later than the typical statement due date. The surcharge is based on a company’s loss of interest

because of the later than expected payment date as well as any additional processing expenses that the payee may incur.

Haseltine generally discloses a third-party system for billing consumers on behalf of a number of individual payees. Specifically, the Haseltine system accepts statement specific information from each participating payee in order to create a billing statement template. The template is subsequently used by the system to generate billing statements that may be presented to consumers for review and payment. The Haseltine system further allows payers to access an online system to view specific information relating to, for example, payment history and a summary of charges, fees, and taxes. Payees may interact with the system to define specific terms relating to billing statements and payments.

Remington generally discloses a bill presentment and payment remittance system using the Internet. Specifically, the Remington system enables an organization to interact with the system to configure billing parameters such as, for example, what information to include within a bill, predefined customer dispute reasons, change of address fields, etc. Remington seeks to eliminate the problems associated with other billing systems, which force the payee to modify existing accounting systems in accordance with the format of payment remittance as defined by the prior art billing systems. The payee is in complete control of how the bill is formatted and presented, and how the remittance is formatted such that the payee of Remington can more seamlessly integrate the billing system with existing computing systems and databases.

Stinson generally discloses a biometric Automated Teller Machine (ATM), wherein a traditional debit or credit card is not required to perform banking functions, including receiving cash from an account. More specifically, the Stinson ATM allows a user to enter a Personal Identification Number (PIN) at an ATM, which causes one or more mounted digital cameras to sample the user's face. The PIN and one or more sampled facial images are transmitted over a network to an authorization server where the PIN is used to retrieve corresponding stored facial images from a database. The sampled facial images are compared with the stored facial images to determine whether they match. If they match, a message is sent to a banking system to indicate that the identity of the ATM user has been confirmed. The banking system then verifies that an available account balance or line of credit is sufficient for the requested currency amount. The banking system sends an authorization signal to the ATM to dispense the requested currency

amount. Stinson further discloses the use of other biometric inputs such as, for example, finger prints and iris scans.

Pollin generally discloses a system that enables collection agencies and the like to accept checking account information from of a payer and generate drafts without requiring a signature of the payer. The Pollin system accepts account information and verifies it against a bank information database to ensure that any discrepancies in bank information can be rectified during a conversation between a collections agent and a collections representative. The Pollin system may further generate an inquiry to a bank identified by the payee to ensure that a substantial balance of funds is available to finalize the transaction. When all verification is complete, the Pollin system generates a paper bank draft payable to the payee such that it can be processed as an ordinary check.

While each of the cited references disclose billing and payment systems, any combination of the cited references would not produce a system that would enable processing of payments for different types of accounts (e.g., banking, credit and brokerage), based on a single combined remittance. **The cited references, alone or in combination, would literally destroy the intended functionality of the presently claimed invention because the cited references would apply the entire combined remittance to only one account.** Those of ordinary skill in the art would appreciate that many large financial institutions employ legacy systems to manage specific accounts by processing account statements and received remittances in accordance with the type of account that the remittance is to be applied to. These problems are magnified for financial institutions that offer very different types of accounts (e.g., banking, credit, and brokerage). According to prior art systems, payments are normally processed through separate business units, using separate computing systems, and separate databases. However, none of the cited references, either alone or combined, would enable a single combined remittance (e.g., a check) to be received and processed by a unified processing system, such that multiple accounts of different types are credited using the single combined remittance. Moreover, neither of the cited references discloses a method for monitoring accounts in order to determine when an account may be used for fraudulent purposes based on automatically observing deposit and withdrawal transactions relative to time. As such, neither Pickering, Haseltine, Remington, Stinson, Pollin, Battas, nor any combination thereof, disclose or contemplate the unique combination of the following steps as recited by independent claim 1.

- a request processor coupled to a plurality of financial components comprising remittance manager, an arrangement manager, a financial institution validator, a financial transaction manager, a check writing manager, an electronic payment manager, and an account monitoring manager, wherein said request processor initiates instructions to each of said plurality of financial components, and wherein:
 - said remittance manager is configured to process a combined remittance to a banking service and an investment fund by formatting said combined remittance and validating said combined remittance according to internal rules applicable to said banking service and external rules applicable to said banking service
 - said remittance manager including information about said combined remittance of user funds, wherein said combined remittance include a portion of said user funds to satisfy said debt charged to said user and a portion of said user funds for an investment product as investment funds
 - said arrangement manager including rules for distribution said combined remittance to said debts charged to said user and said portion of said user funds for said at least one investment product, wherein said arrangement manager transmits an approval message to said financial institution validator if said distribution is compliant with said rules;
 - an account monitoring manager configured to:
 - search a database to locate said financial transactions
 - identify a withdrawal value associated with a withdrawal transaction, wherein said withdrawal value exceeds a withdrawal threshold value
 - identify a deposit value associated with a deposit transaction, wherein said deposit value is at least one of equal to and greater than a predetermined percentage of said withdrawal value;
 - determine a first constant by dividing a time period to withdraw a predetermined percentage of said withdrawal value by said withdrawal value;
 - analyze said first constant to facilitate said audit when said first constant is at least one of equal to and greater than a constant threshold;
 - apply a marker to said financial transaction account when said first constant is a least one of equal to and greater than said constant threshold
 - determine, by said marker, a second constant, which is indicative of at least one of a previous account transaction and a future account transaction
 - determine when a pattern exists by comparing said second constant to said first constant, wherein said pattern is indicative of a fraudulent transaction

The Examiner rejects claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Pickering, Haseltine, Remington, Stinson, Pollin, and Battas, in further view of Logan et al., U.S. Patent No. 6,493,680 ("Logan"). Applicants respectfully traverse the rejection.

Claims 2 and 3 variously depend from independent claim 1. As noted above, neither Pickering, Haseltine, Remington, Stinson, Pollin, nor Battas teach or suggest each feature of independent claim 1 and Logan does not disclose or contemplate the missing features. Logan is

limited to a method for processing bills for customers, wherein each customer bill has a particular billing cycle. The Logan system stores a number of customer bill records containing raw data to be processed to generate a customer bill. Thus, claims 2 and 3 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Pickering, Haseltine, Remington, Stinson, Pollin, Battas, and Logan, in further view of Geer, U.S. Patent No. 5,930,778. Applicants respectfully traverse the rejection.

Claim 4 variously depends from independent claim 1. As noted above, neither Pickering, Haseltine, Remington, Stinson, Pollin, Battas, nor Logan teach or suggest each feature of independent claim 1 and Geer does not disclose or contemplate the missing features. Geer is limited to a system for expediting the collection of funds represented by a financial instrument that is received by a payee at a capture facility that is remote from the payee's depository bank. The submission of the instrument into the payment system is coordinated with the payee's internal accounting process and the register of the deposit of the instruments with an account at the instruments payee's bank. Thus, claim 4 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of its own respective features.

The Examiner rejects claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Pickering, Haseltine, Remington, Stinson, Pollin, Battas, Logan, and Geer, in further view of Lawlor et al., U.S. Patent No. 5,220,501 ("Lawler"). Applicants respectfully traverse the rejection.

Claim 5 variously depends from independent claim 1. As noted above, neither Pickering, Haseltine, Remington, Stinson, Pollin, Battas, Logan, nor Geer teach or suggest each feature of independent claim 1 and Lawler does not disclose or contemplate the missing features. Lawler is limited to a system for providing banking type financial transaction handling via remote data terminals located in users' homes, offices or other locations (i.e., "home banking" or "remote banking"). Thus, claim 5 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of its own respective features.

The Examiner rejects claims 6-12 under 35 U.S.C. § 103(a) as being unpatentable over Pickering, Haseltine, Remington, Stinson, Pollin, Battas, Logan, Geer, and Lawler, in further view of Official Notice. Applicants respectfully traverse the rejection.

Claims 6-12 variously depend from independent claim 1. As noted above, neither Pickering, Haseltine, Remington, Stinson, Pollin, Battas, Logan, Geer, nor Lawler teach or suggest each feature of independent claim 1 and the Examiner's Official Notice does not disclose or contemplate the missing features. According to the Examiner, businesses keep records of checks printed for audits to prevent fraud, therefore; it would have been obvious "to modify the Pickering Haseltine Pollin combination to add storing data regarding each print request in a database in order to have a record of each check printed to prevent fraud and for audits" (page 14, item 16). Thus, claims 6-12 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Pickering, Haseltine, Remington, Stinson, Pollin, Battas, Logan, and Geer, Lawlor, and Official Notice, in further view of Bosworth-Davies et al., U.S. Patent Publication No. 2003/0033228 ("Bosworth"). Applicants respectfully traverse the rejection; however, claim 13 is canceled, so the rejection related to claim 13 is now moot.

New method claim 14 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of its own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814 **for which purpose a duplicate copy of this sheet is attached.** **This statement does NOT authorize charge of the issue fee.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

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Respectfully submitted,

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